

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Juan Montoya, Individually and
as the Personal Representative of
the Estate of Lily Montoya, Deceased;
Monica Montoya; Individually
and as an adult child of Lily
Montoya; and Gina Montoya,
Ernesto Montoya, and
Juan Montoya, Jr., Children;
and Rosenda Cordero, Individually,

Plaintiffs,

vs.

GRAHAM ENTERTAINMENT,
COMPLEX STATION, INC., d/b/a
Graham's Central Station,

and

GRAHAM'S CENTRAL STATION, INC.,
d/b/a Graham's Central Station,

Defendants.

CASE NO. EP-09-CV-392-KC

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND THE DEADLINE TO
FILE PLAINTIFF'S RESPONSE TO DEFENDANTS' NO-EVIDENCE
MOTION FOR SUMMARY JUDGMENT**

Plaintiffs file this their first Motion to Extend the Deadline to File Plaintiff's Response to Defendants' No-Evidence Motion for Summary Judgment.

On Friday, November 4, 2010, Defendants filed their Motion for No-Evidence Summary Judgment [Doc. No 17]. Plaintiffs' response deadline is November 16, 2010.

Counsel for Plaintiffs rely on the following reasons, in addition to the routine matters that counsel must attend to in daily practice, to explain the need for the requested continuance:

Counsel for Respondent, Michael P. Kelly, who is a sole practitioner had been multiple depositions out of town, mediation and preparing documents in other cases. It has been impossible to reach this case for study and analysis and preparation for the response. Further counsel for plaintiffs miscalculated the due date for November 23, 2010 by using the 20 day response due date.

The undersigned conducted a conference with Josh Davis, Counsel for Defendants, on November 15, 2010 and addressed the merits of the Motion. He indicated is not opposed to the extension.

Plaintiffs' request to extend time is for good cause and is not intended to delay these proceedings.

REQUEST FOR RELIEF

Plaintiffs ask that the Court extend Plaintiffs' deadline to file Plaintiffs' Response to Defendant's Motion for No-Evidence Summary Judgment until **November 23, 2010**, and for all other relief to which he may be entitled.

DATED: November 16, 2010.

Respectfully submitted,

LAW OFFICE OF MICHAEL P. KELLY

/s/ MICHAEL P. KELLY

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that on November 16, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system of filing, which will transmit a Notice of Electronic Filing to all attorneys of record.

/S/ MICHAEL P. KELLY
Michael P. Kelly

CERTIFICATE OF CONFERENCE

I certify that the undersigned conferred with Josh Davis, Counsel for Defendants, on November 15, 2010 and addressed the merits of the Motion and he was unopposed.

/s/MICHAEL P. KELLY

Michael P. Kelly

